

### REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the following remarks. Claims 1-32 are pending in the application, with claims 1, 14, and 21 being independent.

Entry of Applicant's remarks after Final is appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, consideration of the remarks does not require an additional search and the remarks should be entered to place the application in better form for appeal.

### § 103 REJECTIONS A. AND B.

It is only after the USPTO makes a demonstration of unpatentability that the burden shifts to the applicant to rebut that showing. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)(“[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant.”).

MPEP §2143.03 requires that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The asserted combination of references must also teach or suggest each and every claim feature. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, *all the claim features* must be taught or suggested by the prior art).

A. Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,887,141 to Trugman (“Trugman”) in view of U.S. Patent No. 7,027,975 to Pazandak et al. (“Pazandak”). Applicant respectfully traverses the rejection.

Claim 1

Applicant’s claim 1 recites a computer-readable medium having computer-executable instructions that enable remote execution of a command, the instructions comprising:

receiving a command line instruction including a remote command, the remote command identifying a task of execution to be performed on a remote system;

initiating a session with at least two remote systems;

assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable; and

*causing the remote command to be executed concurrently on each of the at least two remote systems, including issuing the remote command to the environment variable.*

Applicant respectfully submits that no such computer-readable medium is disclosed, taught, or suggested by Trugman and/or Pazandak, alone or in combination.

The Office asserts that Trugman column 6, lines 19-33 discloses “causing the remote command to be executed on each of the at least two remote systems” (Office Action, page 2). Initially Applicant notes that “causing the remote command to be executed on each of the at least two remote systems” is not presently recited in Applicant’s claim 1. Applicant also notes that the Office Action dated June 4, 2008

makes no demonstration of unpatentability of “*causing the remote command to be executed concurrently on each of the at least two remote systems, including issuing the remote command to the environment variable*,” as presently recited in Applicant’s claim 1.

Accordingly, and as agreed during the interview, the Office Action dated June 4, 2008 fails to establish *prima facie* obviousness of Applicant’s claim 1. Applicant respectfully requests withdrawal of the §103 rejection and allowance of the claim.

**Dependent claims 2-10**, depend from independent claim 1, and thus, are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claim 1 are not disclosed, taught, or suggested by Trugman and/or Pazandak, alone or in combination.

Applicant respectfully requests withdrawal of the §103 rejections.

**B. Claims 11-32 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,887,141 to Trugman (“Trugman”) in view of U.S. Patent No. 7,027,975 to Pazandak et al. (“Pazandak”) and further in view of U.S. Patent Application No. 2003/0177187 to Levin et al. (“Levin”).** Applicant respectfully traverses the rejection.

#### Claim 14

**Applicant’s claim 14 recites** a computer-executable method of remote execution of a command, comprising:

receiving at a local system a first command line that identifies a remote system;

causing a session to be created between the local system and the remote system, the session including a connection to a remote process resident on the remote system;

assigning the session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable;

*issuing a remote command to the environment variable to cause the remote command to be executed in the remote process*; and

storing results of the remote command in an environment variable associated with the session.

Applicant respectfully submits that no such method is disclosed, taught, or suggested by Trugman, Pazandak, and/or Levin, alone or in combination.

The Office asserts that Trugman column 6, lines 19-33 discloses “causing a remote command to be executed in the remote process” (Office Action, page 6). Initially, Applicant notes that “causing a remote command to be executed in the remote process” is not presently recited in Applicant’s claim 14. Applicant also notes that the Office Action dated June 4, 2008 makes no demonstration of unpatentability of “*issuing a remote command to the environment variable to cause the remote command to be executed in the remote process*,” as presently recited in Applicant’s claim 14.

Accordingly, and as agreed during the interview, the Office Action dated June 4, 2008 fails to establish *prima facie* obviousness of Applicant’s claim 14. Applicant respectfully requests withdrawal of the §103 rejection and allowance of the claim.

#### Claim 21

Applicant’s claim 21 recites a computer-readable medium having computer-executable components, comprising:

a session manager configured to:

create and maintain sessions between a local system and one or more remote systems, each session being capable of hosting a plurality of connections between the local system and remote systems;

assign each session to an environment variable configured such that a plurality of commands can concurrently use each session by referring to the environment variable; and

*issue a remote command to the environment variable to cause the remote command to be executed on the one or more remote systems;*

an aggregator configured to receive results of remote execution of a command, the results being each associated with a remote system, the aggregator being further configured to aggregate the results into an array; and

a throttler configured to, upon request, limit a number of active connections within each session.

Applicant respectfully submits that no such computer-readable medium is disclosed, taught, or suggested by Trugman, Pazandak, and/or Levin, alone or in combination.

The Office asserts that Trugman column 6, lines 19-33 discloses “causing a remote command to be executed in the remote process” (Office Action, page 6). Initially Applicant notes that “causing a remote command to be executed in the remote process” is not presently recited in Applicant’s claim 21. Applicant also notes that the Office Action dated June 4, 2008 makes no demonstration of unpatentability of “*issue a remote command to the environment variable to cause the remote command to be executed on the one or more remote systems,*” as presently recited in Applicant’s claim 14.

Accordingly, and as agreed during the interview, the Office Action dated June 4, 2008 fails to establish *prima facie* obviousness of Applicant’s claim 14. Applicant respectfully requests withdrawal of the §103 rejection and allowance of the claim.

**Dependent claims 11-13, 15-20, and 22-32,** depend, directly or indirectly, from one of independent claims 1, 14, and 21, respectively, and thus, are allowable as

depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claims 1, 14, and 21 are not disclosed, taught, or suggested by Trugman, Pazandak and/or Levin, alone or in combination.

Applicant respectfully requests withdrawal of the §103 rejections.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

**CONCLUSION**

Applicants respectfully submit pending claims 1-32 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the **Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below as discussed during the interview.**

Respectfully Submitted,  
Lee & Hayes, PLLC

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